

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition32/4 of 2023.

Date of Original Institution.....15.04.2023.

Dated of Transfer In.....17.04.2023.


Date of Decision.....18.04.2023.

Order.03
18.04.2023

APP for the state and Mr. Asad Ijaz Advocate counsel for accused/petitioner present. Father and brother of complainant along with Mr. Sana Ullah Khan Advocate present. Mr. Sana Ullah Advocate is counsel of complainant in trial case. Record received. Arguments of counsel for accused/petitioner already heard while arguments of APP and counsel for complainant heard today and record perused.

Accused/petitioner namely **Ahmad Hussain S/O Shandi Gul** R/O Tagha Saam, Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.05 dated: 31.01.2023 U/S 381-A/34 PPC, Police Station Kalaya, District Orakzai.

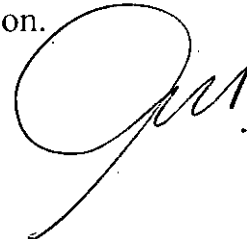
Perusal of record reveals that there is unexplained delay of about 02 months in registration of the FIR. The offence with which the accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal an exception. No extra ordinary


18/04/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

circumstances exist to justify the departure from the said rule. Co-accused with similar role has already been released on post arrest bail by the court of Worthy District & Sessions Judge, Orakzai vide order dated 09.02.2023. Therefore, rule of consistency attracts to the case of accused/petitioner. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
18.04.2023



Zahir Khan
JMJC-I, Kalaya, Orakzai